

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF WISCONSIN
MILWAUKEE DIVISION**

DARLENE G. HEIDEN,)	
)	
Plaintiff,)	
)	
v.)	Case No.
)	
REGIONAL ADJUSTMENT BUREAU,)	
INC.,)	
)	
Defendant.)	Jury Demanded

COMPLAINT

INTRODUCTION

1. This action seeks redress for collection practices that violate the Fair Debt Collection Practices Act, 15 U.S.C. § 1692.

JURISDICTION AND VENUE

2. The court has jurisdiction to grant the relief sought by the plaintiff pursuant to 15 U.S.C. § 1692k and 28 U.S.C. §§ 1331 and 1337. Venue in this District is proper in that defendant directed its collection efforts into the District.

PARTIES

3. Plaintiff Darlene G. Heiden is an individual who resides in Oak Creek, Wisconsin.

4. Plaintiff is a “consumer” as defined in the FDCPA, 15 U.S.C. § 1692a(3), in that defendant sought to collect from plaintiff a debt incurred for personal, family or household purposes.

5. Defendant Regional Adjustment Bureau, Inc. (“RAB”) is a debt collection agency with offices in Tennessee.

6. RAB is engaged in the business of collecting upon defaulted debts owed to others and incurred for personal, family or household purposes. RAB is a debt collector as defined in 15 U.S.C. § 1692a.

FACTS

7. In or about March 2006, RAB sent a debt collection letter to the plaintiff, stating that the name of the creditor to whom the debt is owed is “Capital One.” See Exhibit A. Upon information and belief, Exhibit A is the first communication sent to the plaintiff.

8. Upon information and belief, there is no such creditor as “Capital One.” In fact, there are a number of corporations whose name includes “Capital One” including Capital One Financial Corporation, Capital One Bank, Capital One F.S.B., Capital One, N.A., Capital One Services, Inc., and Capital Auto Finance, Inc.

COUNT I—FDCPA

9. Plaintiff incorporates the above numbered paragraphs by reference.

10. RAB has failed to state the true name of the creditor.

11. RAB has therefore violated 15 U.S.C. § 1692g, by failing to state the name of the creditor.

CLASS ALLEGATIONS

12. Plaintiff brings this claim on behalf of a class, consisting of (a) all natural persons in the State of Wisconsin (b) who were sent a collection letter by RAB asserting a debt owed to “Capital One,” (c) seeking to collect a debt for personal, family or household purposes, (d) on or after a date one year prior to the filing of this action, (e) that was not returned by the postal service.

13. The class is so numerous that joinder is impracticable. On information and belief, there are more than 50 members of the class.

14. There are questions of law and fact common to the members of the class, which common questions predominate over any questions that affect only individual class members. The predominant common question is whether “Capital One” is the true creditor, as represented by the defendant.

15. Plaintiff’s claim is typical of the claims of the class members. All are based on the same factual and legal theories.

16. Plaintiff will fairly and adequately represent the interests of the class members. Plaintiff has retained counsel experienced in consumer credit and debt collection abuse cases.

17. A class action is superior to other alternative methods of adjudicating this dispute. Individual cases are not economically feasible.

WHEREFORE, plaintiff requests that the Court enter judgment in favor of plaintiff and against defendant for:

- a. Statutory damages;
- b. Attorney’s fees, litigation expenses and costs of suit;
- c. Such other or further relief as the Court deems proper.

JURY DEMAND

Plaintiff demands trial by jury.

Respectfully submitted,

S/ Robert K. O’Reilly
Robert K. O’Reilly (SBN 1027032)
John D. Blythin (SBN 1046105)
ADEMI & O’REILLY, LLP

3620 East Layton Avenue
Cudahy, Wisconsin 53110
roreanilly@ademilaw.com
(414) 482-8000
(414) 482-8001 (FAX)

Exhibit A



7000 Goodlett Farms Parkway
Memphis TN 38016-4916

ADDRESS SERVICE REQUESTED

RAB INC

regional adjustment bureau

A Total Receivable Management Company

Toll Free
800-752-3916
Long Distance
866 696-4666
Local Residents
901 435-4871

Date	Acct #	Balance
3/20/2006	9421026	\$864.53

#BWNHRMD 4172267 16854
#0320 1742 0016 8546# 9421026/303/1



Darlene G Heiden
2321 W Puetz Rd
Oak Creek WI 53154-2612

REGIONAL ADJUSTMENT BUREAU, INC.

PO Box 34111

Memphis TN 38184-0111



CHECK CARD USING FOR PAYMENT <input type="checkbox"/>		<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
CARD NUMBER PLUS 3 DIGIT SECURITY CODE (on back of card)					Cards EXP. DATE /
CARD HOLDER NAME		CARDHOLDER SIGNATURE		AMOUNT \$	

Detach Upper Portion and Return with Payment

<u>Client Name</u>	<u>Balance</u>	<u>Account Number</u>
Capital One	\$ 864.53	5178052130084409

Our client has placed your delinquent account with this office for collection in the amount of \$864.53.

Unless you notify this office within 30 days after receiving this notice that you dispute the validity of this debt or any portion thereof, this office will assume this debt is valid. If you notify this office in writing within 30 days from receiving this notice, this office will: obtain verification of the debt or obtain a copy of a judgment and mail you a copy of such judgment or verification. If you request this office in writing within 30 days after receiving this notice this office will provide you with the name and address of the original creditor, if different from the current creditor.

PLEASE NOTE THAT YOU CAN PAY YOUR ACCOUNT BY CHECK OR CREDIT CARD OVER THE INTERNET BY CONTACTING US AT rabinc.com/payment.



CHECK BY PHONE
IS ACCEPTED

This is an attempt to collect a debt and any information obtained will be used for that purpose. This communication is from a debt collector. In the event this debt is paid by check and your bank or financial institution does not honor the check, we reserve the right to assess a return check charge based on your state's regulations. Note: \$3.50 per \$100.00 will be charged to your credit card by PayMyBill processing service for using the credit card payment option.

This collection agency is licensed by the Office of the Administrator or the Division of Banking, P.O. Box 7876, Madison, Wisconsin 53707.

10NRAB1031

Regional Adjustment Bureau, Inc. • 7000 Goodlett Farms Parkway • PO Box 34111 • Memphis TN 38016

(800)-752-3916 • (866) 696-4666 • (901) 435-4871

Office Hours: 7:00 AM – 9:00 PM Monday-Friday, 7:00 AM – 12:00 Noon Saturday